IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE CIVIL JURISDICTION

WRIT PETITION NO.6119 OF 2004

Shri Hemant Shankar Kulkarni
& Ors. .. Petitioners

Versus

The State of Maharashtra & Ors. .. Respondents

Mr.N.V.Bandiwadekar for the petitioner

Mr.R.D.Rane, Addl.G.P. for respondent no.1 and 2

Mr.A.A.Garge for respondent no.3 and 4

CORAM: A.P.SHAH &
S.U.KAMDAR, JJ

DATED: 15TH SEPTEMBER, 2004

P.C.:

1. Heard advocates.

2. Rule. By consent, rule made returnable forthwith. Respondents waive service.

3. The petitioners no.1 and 2 came to be appointed as Shikshan Sevak in the unaided divisions of respondent No.4 School from 12.6.2000 to 30.4.2001 and from 10.7.2001 to 30.4.2002. In July, 2002 all

the three petitioners came to be appointed a Part time teachers in the school but on unaided divisions. The respondent no.2 Education Officer has duly approved the said appointment as part time Asst.Teachers from July 2002 in unaided division for A.Y. 2002-2003.

4. All the three petitioners came to be appointed as Assistant Teachers in the School w.e.f. 1.10.2003 during 9.7.2003-2004, when the said division started receiving 20% grant-in-aid. However, the respondent no.2 has refused approval to the said appointment on the ground that there is backlog of reservation.

5. Therefore, considering the length of service rendered by petitioners as above, we direct the respondent no.2 to grant approval to the appointment of petitioners as Assistant Teachers in respondent no.4 school from 1.10.2003 to 9.7.2003-2004, and also release their salary grant in accordance with the partial aid sanctioned to the school within 6 weeks from today. The service of the petitioners shall be continued in the School

as Assistant Teachers only till the duly selected candidates from S.T.category become available. Till then the respondent no.2 shall grant approval to the petitioners and also release their salary grant as per rules, and in accordance with the salary grant sanctioned to the School.

6. The respondent no.3 management shall take all steps to fill up the said reserved vacancy by appointing the qualified S.T. candidates. For this purpose the Management shall immediately publish an advertisement in local newspapers with wide circulation, i.e. Daily Kesari & Daily Pudhari It shall also sent requisitions to the District Social Welfare Officer, the Tribal Development Officer and the Employment Exchange office to recommend the names of qualified candidates from S.T.category for appointment in the School. The management shall appoint the qualified candidates from amongst the names recommended by above-mentioned authorities/offices and from the applicants as per advertisements.

7. Writ petition accordingly stands disposed of

with no orders as to costs.